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ATTORNEYS FOR DEFENDANTS BOBBY A. ALI; RICK  
7 ALI<sup>1</sup>; M1 COLLISION CARE CENTERS, INC.<sup>2</sup>; AUTOVEST  
COLLISION REPAIRS, INC., DBA AUTOWEST COLLISION  
8 REPAIRS, INC.; AND AW COLLISION OF SERRAMONTE<sup>3</sup>

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

12 RAFAEL SANDOVAL, LUIS MARTIN  
13 CALIXTO, and ADRIAN RAMIREZ on  
behalf of themselves, on behalf of all others  
similarly situated and in the interest of the  
14 general public.

15 Plaintiffs.

16 v.

17 BOBBY A. ALI; RICK ALI, M1 AUTO  
18 COLLISIONS CENTERS, INC.; M1  
19 COLLISION CARE CENTERS, INC.;  
20 AUTOVEST COLLISION REPAIRS, INC.  
aka AUTOWEST COLLISION REPAIRS,  
INC.; and SERRAMONTE AUTO PLAZA  
BODY SHOP, INC..

21 Defendants.

CASE NO. CV 13-03230 EDL

**DEFENDANTS POSITION STATEMENT  
AND REQUEST FOR EXTENSION OF  
TIME ON EXCHANGE OF DECLARATION  
OF KOTAR DATA RECOVERY SYSTEMS**

On or about February 16, 2016 the parties appeared before this Court on Plaintiffs' Motion to Re-Open Discovery. At that hearing, the court instructed Defendants to obtain a declaration from

<sup>26</sup> <sup>1</sup> Defendants Bobby Ali and Rick Ali were dismissed with prejudice in part by the Court's Order of 7/10/2014.

<sup>27</sup> Erroneously sued as “M1 Auto Collisions Centers, Inc.”

<sup>28</sup> <sup>3</sup> Erroneously sued as “Serramonte Auto Plaza Body Shop, Inc.”

1 Kotar Data Recovery Systems based on the questions and topics identified by Plaintiffs' counsel. At  
 2 that time Defendants' counsel advised the Court and all parties that Defendants counsel was starting  
 3 a large trial on February 22, 2016 and would be unavailable and as a result requested until February  
 4 26, 2016 to exchange the completed declaration. It was understood that Plaintiffs would promptly  
 5 deliver their questions for Kotar to Defendants so that counsel could then work with Kotar during the  
 6 week of February 16, 2016 and then if needed have evenings to finalize the declaration for  
 7 submission during the week of February 22, 2016.

8 As of this filing, despite repeated requests, Plaintiffs' counsel has failed to provide any topics  
 9 or questions for Kotar. Defendants counsel are otherwise unavailable until March 18, 2016 and  
 10 therefore request that the Court grant them until March 30, 2016 to exchange such declaration. The  
 11 trial at issue has been pending for over 5 years, involves dozens of witnesses, who are not native  
 12 English speakers and as such requires the use of translators for witness preparation in the evenings  
 13 and weekends. The Court does not observe regular "dark" days and runs for a full day of 8:30 – 4:45.  
 14 Thus, it is impossible for Defendants counsel to now deal with this matter given the unreasonable  
 15 delay of Plaintiffs' counsel.

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18 DATED: FEBRUARY 25, 2016

BERLINER COHEN, LLP

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20 BY: /s/CHRISTINE H. LONG  
 21 CHRISTINE H. LONG  
 22 EILEEN P. KENNEDY  
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 25 AUTOVEST COLLISION REPAIRS, INC., DBA  
 26 AUTOWEST COLLISION REPAIRS, INC.; AND AW  
 27 COLLISION OF SERRAMONTE  
 28